

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marshall D. Snavely

Serial No.: 09/507,166

Group Art Unit No.: 1653

Filed: February 18, 2000

Examiner: Anish Gupta

For: Enhanced Solubility of Recombinant Proteins

Docket No.: A-496A

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JAN 18 2001
TECH CENTER 1653 2900RESPONSE TO NOTICE TO COMPLYAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant recently received a Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated September 26, 2001. In that Notice, the Examiner indicated that Applicant must provide an initial or substitute computer readable form (CRF) copy of the Sequence Listing, an initial or substitute paper copy of the Sequence Listing, and a statement that the content of the paper and computer readable copies are the same, and, where applicable, include no new matter.

Applicant believes these requirements were satisfied in the initial filing of this divisional application on February 18, 2000, since Applicant submitted a Paper Copy of the Sequence Listing and an Attorney Statement Pursuant to 37 CFR 1.82(e). The Statement, however, did not include the wording "includes no new matter", as required by 37 CFR 1.821(e). Therefore, Applicant submits herewith a revised Attorney Statement Pursuant to 37 CFR 1.821(e) which includes the statement that the Sequence Listing does not contain new matter. Applicant also submits herewith a copy of our submission of the above papers including a copy of the post card filed February 18, 2000 confirming receipt by the USPTO of these items.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date appearing below.

Date

Signature

The Examiner is reminded that in accordance with 37 CFR 1.821(e), Applicant has asked the USPTO to "use the only computer readable form filed in Application Serial No. 08/997,918, filed December 24, 1997, as the computer readable form for this application, USSN 09/507,166".

If any additional information should be required, please contact the Applicant's representative as listed below.

Respectfully submitted,



Nancy A. Oleski
Attorney/Agent for Applicant(s)
Registration No.: 34,688
Phone: (805) 447-6504
Date: October 25, 2001

Please send all future correspondence to:

U.S. Patent Operations/NAO
Dept. 4300, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

6. The paper copy of the "Sequence Listing" is not the same as the computer readable from ~~the~~ "Sequence Listing" as required by 37 C.F.R. 1.821(e).

7. Other: _____

Applicant Must Provide:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

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ATTORNEY'S STATEMENT PURSUANT TO 37 CFR § 1.821(e)Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The computer readable form in this application, Serial No. 09/507,166, is identical with that filed in Application Serial No. 08/997,918, filed December 24, 1997. In accordance with 37 CFR §1.821(e), please use the only computer readable form filed in that application as the computer readable form for this application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used in this application.

In addition, I hereby state that the paper copy of the Sequence Listing in this application and the computer readable form of the Sequence Listing submitted in the parent case are the same and contains no new matter.

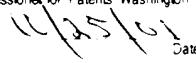
Respectfully submitted,

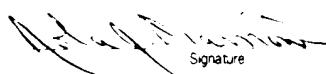

 Nancy A. Oleski
 Attorney/Agent for Applicant(s)
 Registration No.: 34,688
 Phone: (805) 447-6504
 Date: October 25, 2001

Please send all future correspondence to:
 US Patent Operations/NAO
 Dept. 4300, M/S 27-4-A
 AMGEN INC.
 One Amgen Center Drive
 Thousand Oaks, California 91320-1799

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date appearing below.


 11/25/01
 Date


 Signature

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THE PATENT OFFICE IS HEREBY REQUESTED TO ACKNOWLEDGE RECEIPT
OF THE FOLLOWING DOCUMENTS BY DATE STAMPING AND RETURNING
THIS POST CARD

Applicant: Marshall D. Snavely

jc584 U.S. PTO
09/507166

A-49f-NAO

Serial No.: Not Known Yet

Filed: February 18, 2000

For: Enhanced Solubility of Recombinant Proteins

02/18/00

- Divisional Application Transmittal Form (2 pgs - 1 orig/1 copy)
- Specification including claims and abstract (50 pgs)
- Formal Drawings and Photographs (9 sheets)
- Copy of Oath/Declaration/Power of Atty from prior application (2 pgs)
- Paper Copy of Sequence Listing (16 pgs)
- Attorney Statement Pursuant to 37 CFR 1.82(e) (1 pg)
- Information Disclosure Statement including 1449 forms ((3 pgs)
- Preliminary Amendment (4 pgs)

Via Express Mail EL198798465US on February 18, 2000

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